

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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AK SG W Da H P M E I W J H K B

20. SEP 2004

Applicant's or agent's file reference
031904woHigo

International application No
PCT/EP 03/10839

International filing date (day/month/year)
30 09 2003

International Patent Classification (IPC) or both national classification and IPC
F03D11/04

Applicant
GENERAL ELECTRIC COMPANY

PCT

WRITTEN OPINION (PCT Rule 66)

Date of mailing
(day/month/year)

13 09 2004

REPLY DUE

within 3 month(s)
from the above date of mailing

Priority date (day/month/year)
01 10 2002

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d)

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 01.02.2005

Name and mailing address of the international
preliminary examining authority:

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1. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-9 as originally filed

Claims, Numbers

1-9 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23 1(b)).
- the language of publication of the international application (under Rule 48 3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1
Inventive step (IS)	Claims	
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:
D1: WO 02/38891 A (BEAIRD IND INC) 16 May 2002
2. From the wording of claim 1, the reader would assume that the first cylindrical tower segment can be varied in length by a possible extension or retraction of this part (e.g. a telescopic variation in its length). However from the description and figures it rather seems that the kit comprises a plurality of first cylindrical tower segments of differing lengths ranging from a minimum to a maximum length from which one would be chosen for use in a particular tower, the height of which would be determined by the choice of first cylindrical tower segment. The examination of the claims is based on such an interpretation of claim 1. A similar interpretation with respect to the "further tower segment" has been applied to dependent claim 5.

As it currently stands, the wording of claims 1 and 5 should be amended to clarify the definition of the first cylindrical tower segment and further tower segment respectively. Such a clarification in accordance to the above interpretations would entail having a plurality of first cylindrical tower segments (or further tower segments respectively) of different lengths ranging from a minimum to a maximum length. The applicant should take care when amending the claim to use a wording which conforms as closely as possible to the originally filed application so as not to introduce unallowable additional subject-matter (Article 34(2)(b) PCT).

3. According to the interpretation of the claims outlined in section 2 above, the subject-matter of claims 1-9 would appear to satisfy the criteria of novelty, inventive step and industrial applicability as required by Article 33 PCT.
4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.